

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

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|                 |   |                     |
|-----------------|---|---------------------|
| In Re:          | ) | Case No.: 17-01961  |
|                 | ) |                     |
| Charles Barker, | ) | Chapter 13          |
|                 | ) |                     |
| Debtor(s).      | ) | Judge Janet S. Baer |

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AMENDED NOTICE OF MOTION

To: Charles Barker, 1420 N Elmwood Aurora, IL 60506 *via US Mail*  
Glenn B Stearns, Chapter 13 Trustee *notice via ECF delivery system*  
The United States Trustee *notice via ECF delivery system*  
Integra Financial Group, Agnes Nednarczyk, INC, 6565 N Avondale Suite 200, Chicago,  
IL 60631 *via US Mail*  
*See attached service list*

On Friday, April 6, 2018 at 9:30 am or soon thereafter as I may be heard, I shall appear before Bankruptcy Judge Janet S. Baer or any other Bankruptcy Judge presiding at Kane Courthouse, 100 S 3rd Street, Courtroom 240, Geneva, Illinois 60134, and shall present the MOTION TO OBTAIN/INCUR DEBT, at which time you may appear if so desired.

/s/ David H. Cutler

David H. Cutler, esq.  
Attorney for Debtor(s)  
Cutler & Associates Ltd.  
4131 Main St.  
Skokie IL 60076  
(847) 673-8600

CERTIFICATE OF SERVICE

The undersigned, an Attorney, does hereby certify that a copy of this Notice and Motion was filed AND sent electronically and via US MAIL to the above captioned by 6:00 p.m. on or before March 23, 2018.

/s/ David H. Cutler

Attorney for Debtor(s)

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AMENDED MOTION TO OBTAIN/INCUR DEBT

NOW COMES, the Debtor, Charles Barker (hereinafter referred to as “DEBTOR”), by and through his attorneys, Cutler and Associates, Ltd., and moves this Honorable Court for entry of an Order Authorizing the Purchase of Real Estate, and in support thereof, respectfully represents as follows:

1. On January 23, 2017 the Debtor filed a petition for relief under Chapter 13 of the Bankruptcy code.
2. The Debtor’s Chapter 13 Plan was confirmed on March 24, 2017.
3. The confirmed Plan paid monthly payments of \$887.00 (eight hundred and eighty-seven) per month for 2 (two) months and currently pays \$957.00 (nine hundred and fifty-seven) per month for 58 (fifty-eight) months with unsecured creditors receiving 10% (ten percent) of their timely filed or allowed claims.
4. The Debtor is current on his monthly plan payments.
5. The Debtor has found a real property located at, 206 Oak Street, Big Rock, IL 60511, he would like to purchase.
6. That the Debtor can afford this new debt as the proposed monthly mortgage payments of \$1,324.88 (one thousand three hundred and twenty-four point eighty eight) is \$170.12 (one hundred and seventy point twelve) less than the current monthly rental

- payments of \$1,495.00 (one thousand four hundred and ninety five) that the Debtor currently pays, this will allow Debtor to maintain the monthly property expenses.
7. The proposed monthly mortgage payment being slightly lower than the current rental payment will not hinder the Debtors' ability to maintain his monthly trustee payments.
  8. The Debtor was approved for the financing through Integra Financial Group.
  9. The Debtor has been approved for the loan of \$150,183.00 (one hundred fifty thousand and one hundred eighty-three) with an interest rate of 5.250% (five point two five zero percent) and monthly mortgage payments of \$1,324.88 (one thousand three hundred and twenty four point eighty eight), with a loan term of 360 months (three hundred and sixty months) (See Exhibit A).
  10. The Debtors' non-filing spouse, has been gifted \$15,000.00 (fifteen thousand) by her mother, to use for the down payment on the purchase of the property. The Debtors' mother in law, feels as though, her grandchildren deserve to have a home of their own, in a higher ranked school district that offers beneficial and helpful opportunities for her grandchildren.
  11. The non-filing spouses' mother, is in a position to help her daughter with the down payment.
  12. The Debtor seeks permission of this Court to incur new debt that will result in having monthly mortgage payments of \$1,324.88 (one thousand three hundred and twenty four point eighty-eight), which includes principal and escrow, for 360 (three hundred and sixty) months at 5.250% (five point two five zero percent). (See Exhibit A)

13. The Debtor has entered into a contract for the purchase of the Property for \$164,000.00 (one hundred sixty-four thousand) (see Exhibit B).

WHEREFORE, DEBTOR prays that this Honorable Court enter an order permitting the debtor to incur \$150,183.00, (one hundred fifty thousand and one hundred eighty-three) in financing, with an interest rate of 5.250% (five point two five zero percent), with monthly mortgage payments of \$1,324.88 (one thousand three hundred and twenty four point eighty eight) and a term lasting 360 (three hundred and sixty) months.

Respectfully submitted,

By: /s/ David H. Cutler

David H. Cutler, esq.

Attorney for Debtor(s)

Cutler & Associates Ltd.

4131 Main St.

Skokie IL 60076

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